



## Mayor and City Council

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Bill Saffo

**Mayor Pro-Tem**  
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**Council Members**  
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## PROCLAMATION DECLARING A CONTINUING STATE OF EMERGENCY IN THE CITY OF WILMINGTON

WHEREAS, the COVID-19 outbreak currently poses an imminent and continuing threat of severe health consequences, including loss of life, as well as potential severe economic damages to the City of Wilmington; and

WHEREAS, on March 10, 2020, Governor Roy Cooper issued Executive Order No. 116 (EO 116), which declared a state of emergency on behalf of the state of North Carolina in order to coordinate emergency response and to implement protective actions to prevent the spread of COVID-19; and

WHEREAS, Governor Cooper has issued several more outbreak-related Executive Orders, including Nos. 116 – 122, 124, 129, 130, 131, 133 – 136, and 138, all designed to fight the spread of the virus; and

WHEREAS, as Mayor of the City of Wilmington, I, Bill Saffo, am authorized to proclaim, amend, and revise as appropriate a state of emergency pursuant to NCGS 166A-19.22 and Section 6-17 of the Wilmington City Code; and

WHEREAS, pursuant to Section 6-17 of the City Code, I have determined that a state of emergency does exist in the City of Wilmington as a result of the COVID-19 outbreak and its risk to public health and safety is ongoing; and

WHEREAS, New Hanover County, through its Board of Commissioners Chair Julia Olson-Boseman, issued a state of emergency on March 20, 2020, which imposed additional restrictions, beyond those present in EO 116, for the unincorporated areas of New Hanover County, including prohibitions against gatherings of more than 10 people and closing public beach access points; and

WHEREAS, on March 20, 2020, I, the undersigned, on behalf of the City of Wilmington, consented to New Hanover County's declaration of state of emergency and requested for the declaration to apply to the entirety of the corporate limits of the City of Wilmington; and

WHEREAS, on March 23, 2020, Governor Roy Cooper, in Executive Order No. 120 (EO 120), closed K-12 public schools statewide through May 15<sup>th</sup>, banned mass gatherings over 50 people, and closed specific types of businesses, including but not limited to gyms, movie

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CITY CLERK  
*Julia Olson-Boseman*

theaters, hair and nail salons, tattoo parlors, and live performance venues; and

WHEREAS, on March 27, 2020, Governor Roy Cooper, in Executive Order No. 121 (EO 121), issued a statewide Stay at Home Order beginning Monday, March 30, 2020, at 5 p.m., until April 29, 2020, directing people to stay at home except to visit essential businesses, exercise outdoors, or help a family member, and specifically banned gatherings of more than 10 people and directed everyone to physically stay at least six feet apart from others; and

WHEREAS, New Hanover County, through its Board of Commissioners Chair Julia Olson-Boseman, issued an amended state of emergency on March 28, 2020, effective at 5 p.m. on March 30, 2020, through 5 p.m. on April 13, 2020, which imposed additional restrictions beyond those present in EO 121 for the unincorporated areas of New Hanover County; and

WHEREAS, at a special called and noticed meeting on March 30, 2020, the Wilmington City Council determined, pursuant to NCGS 166A-19.22 and Section 6-17 of the Wilmington City Code, that the additional restrictions imposed by the New Hanover County state of emergency declaration were appropriate and necessary to slow the rate of the spread of the virus in our area based upon the current crisis, and voted by way of resolution to consent to New Hanover County's declaration of state of emergency and request for the declaration to apply to the entirety of the corporate limits of the City of Wilmington; and

WHEREAS, on April 9, 2020, Governor Roy Cooper, in Executive Order No. 131 (EO 131), established emergency occupancy limits and cleaning requirements for retail establishments and long-term care facilities beginning Friday, April 10, 2020, at 5 p.m., and lasting until May 13, 2020; and

WHEREAS, New Hanover County Board of Commissioners Chair Julia Olson-Boseman issued a restated state of emergency that began on April 13, 2020, at 5 p.m. and lasting until April 29, 2020, at 5 p.m., which revised and superseded the restrictions in the previous New Hanover County declarations, amended or otherwise, and issued restrictions beyond those present in EO 121 and EO 131 for the unincorporated areas of New Hanover County; and

WHEREAS, on April 13, 2020, and again on April 17, 2020, by way of a renewal and extension, and pursuant to NCGS 166A-19.22 and Section 6-17 of the Wilmington City Code, I, on behalf of the City of Wilmington, consented to New Hanover County's April 13, 2020, declaration of state of emergency and requested for the declaration to apply to the entirety of the corporate limits of the City of Wilmington; and

WHEREAS, at its regular meeting on April 20, 2020, the Wilmington City Council determined, pursuant to NCGS 166A-19.22 and Section 6-17 of the Wilmington City Code, that the additional restrictions imposed by the New Hanover County state of emergency declaration were appropriate and necessary to slow the rate of the spread of the virus in our area based upon the current crisis, and voted by way of resolution to consent to New Hanover County's April 13, 2020, declaration of state of emergency and requested for the declaration to apply to the entirety of the corporate limits of the City of Wilmington; and

WHEREAS, on April 23, 2020, Governor Roy Cooper issued Executive Order No. 135 (EO 135) to extend the statewide state of emergency until May 8, 2020; and

WHEREAS, the restated state of emergency issued by New Hanover County Board of Commissioners Chair Julia Olson-Boseman on April 13, 2020, was allowed to expire effective April 29, 2020, at 5:00 p.m.; and

WHEREAS, on April 29, 2020, and again on April 30, 2020, by way of a renewal and extension, and pursuant to NCGS 166A-19.22 and Section 6-17 of the Wilmington City Code, I, Mayor Bill Saffo, on behalf of the City of Wilmington, issued a state of emergency declaration which revised and superseded the restrictions in the previous New Hanover County declarations, amended or otherwise, and issued restrictions beyond those present in the Governor's Executive Orders for the entirety of the corporate limits of the City of Wilmington; and

WHEREAS, at its regular meeting on May 5, 2020, the Wilmington City Council determined, pursuant to NCGS 166A-19.22 and Section 6-17 of the Wilmington City Code, that the additional restrictions imposed by the state of emergency proclaimed by Mayor Saffo were appropriate and necessary to slow the rate of the spread of the virus in our area based upon the current crisis, and voted by way of resolution to extend Mayor Saffo's April 30, 2020, Proclamation declaring a state of emergency through May 8, 2020, at 5 p.m.; and

WHEREAS, on May 5, 2020, Governor Roy Cooper issued Executive Order No. 138 (EO 138), to be effective May 8, 2020, at 5 p.m., and extending through May 22, 2020, which eases some restrictions on travel, business operations, and mass gatherings ("PHASE 1"); and

WHEREAS, since the execution of the most recent Gubernatorial Order, additional residents of the City of Wilmington have tested positive for the COVID-19 virus. This Proclamation is necessary to slow the rate of the spread and is the least restrictive means based upon the current evidence.

NOW, THEREFORE, I, Bill Saffo, Mayor of the City of Wilmington, do hereby issue a proclamation declaring a state of emergency in the City of Wilmington. For the duration of such proclamation, all employees of the City of Wilmington shall be designated and recognized as emergency personnel and shall cooperate in the implementation of the City's emergency plan. During the state of emergency, the citizens of the City of Wilmington are urged to comply with emergency management and public health advisories as issued from time to time.

NOW THEREFORE BE IT FURTHER ORDAINED THAT:

1. The terms set forth in Governor Roy Cooper's Executive Orders: EO 120, EO 121, EO 131, EO 135, and EO 138, are hereby incorporated by reference into this declaration, and the businesses and facilities ordered to cease or restrict operations therein are hereby ordered to cease or restrict operations and close in compliance with the terms of those Executive Orders.

2. To the greatest extent possible, all persons are encouraged to follow the Centers for Disease Control and Prevention (CDC) guidance on the wearing of cloth masks.

3. Mass gatherings are prohibited.

- i. A mass gathering is defined as any event or convening that brings together more than ten (10) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space. This includes parades, fairs, and festivals.
- ii. Mass gatherings do not include gatherings for health and safety, to look for and obtain goods and services, for work, for worship, for exercise of First Amendment rights, or for receiving governmental services. A mass gathering also does not include normal operations at airports, bus and train stations or stops, medical facilities, shopping malls, and shopping centers. However, in these settings, people must follow the social distancing requirements as much as possible, and they should circulate within the space so that there is no sustained contact between people. Additionally, because the risk of COVID-19 spread is much greater in an indoor setting, any gatherings of more than ten (10) people that are allowed under this section shall take place outdoors unless it is impossible to do so.
- iii. The restrictions against mass gatherings apply to Funerals; however, a mass gathering limit of fifty (50) persons shall apply to funeral services at which the Section 4 social distancing requirements are respected and observed to the extent practicable.
- iv. The restrictions against mass gatherings do not apply to any “drive-in” event if the participants all stay within their cars, such as at a drive-in movie theater, or a drive-in worship service. All participants are encouraged to maintain a distance of at least six (6) feet from any other vehicle on all sides. All persons are strongly encouraged to stay in their vehicles, to only allow immediate family or members of the same household to occupy the same vehicle, and to ensure that their vehicles do not obstruct any street or sidewalk.
- v. Mass gathering restrictions do not prohibit holding several events or convenings instead of one, so that at any time, no more than ten (10) people are gathered in the same space. Organizations that need to hold events or convenings in a single space are encouraged to hold multiple sessions so that no more than ten (10) people are present at a time. In addition, nothing prohibits holding meetings remotely, and everyone is encouraged to hold gatherings electronically so that large groups can meet.

4. All persons, when they are using shared spaces outside of their residence,



whether indoors or outdoors, shall at all times as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person. Social distancing is not required to be maintained between immediate family or household members.

5. All places of public amusement, whether publicly or privately owned or operated, where people may gather, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, zoos, museums, arcades, fairs, children's play centers, recreation centers, team sports facilities, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the public, including to private events with more than ten (10) people gathered including staff. Tennis and pickleball courts may remain open so long as mass gathering restrictions against groups of more than 10 people (See Section 3) and social distancing restrictions (See Section 4) are followed. Golf courses may remain open so long as social distancing requirements (See Section 4) are followed and no golf equipment is shared between golfers that are not of the same immediate family or household members.

6. All stores, indoor and outdoor shopping malls, and retail facilities which are allowed to remain open to the public shall be subject to all requirements for retail establishments set forth in Section 3 of EO 138 and shall conspicuously post at all public entrances a placard stating the maximum occupancy for the retail establishment per EO 138. The occupancy number on the placard shall be readily discernible and in front of at least six (6) inches in height. All fitting or dressing rooms that are utilized to allow customers to try on clothing shall be, and remain, closed and not be used. Additionally, all retail establishments are strongly encouraged to follow all of the recommended policies for retail establishments set forth in Section 3 of EO 138.

7. All public playground equipment and exercise stations, and public team sport facilities are hereby ordered to be closed, or continue to remain closed, and not be used. Trails and open spaces may remain open and may be used so long as mass gathering restrictions against groups of more than 10 people (See Section 3) and social distancing restrictions (See Section 4) are followed. As used in this declaration, team sports facility shall include any facility that facilitates athletic activity that includes the use of a ball or object that is handled by more than a single individual, including but not limited to, and by way of example: football, basketball, volleyball, baseball, etc. For the purpose of this declaration, tennis and pickleball shall not be considered team sports.

8. For the purposes of this declaration, based on the advice of the health officials, the following businesses shall close their facilities to the public. Those businesses are:

- i. Auto dealerships, boat dealerships and other motor vehicle sales points (not including repair or maintenance services). Auto and boat dealerships may remain open and continue sales so long as they do so in full compliance with attached Exhibit A. Additionally, a specific auto or boat sale may be allowed pursuant to a governmental request to assist with the emergency response to fight the virus.

- ii. Hotels and Motels (except as allowed by a governmental request to assist with the emergency response to Coronavirus or to provide lodging in support of the supply and distribution of COVID-19 Essential Businesses and Operations or in support of our communities' COVID-19 emergency response and practices utilized to fight the virus or its spread). Extended stay hotels may continue to offer lodging for terms of no less than 28 days. The restriction on short-term lodging and rentals is hereby lifted.

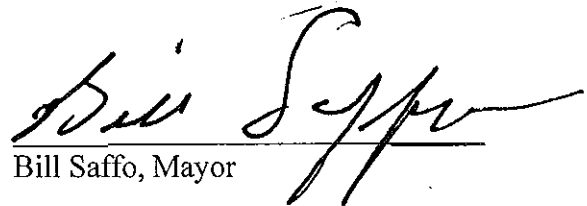
9. This declaration shall apply to the entirety of the corporate limits of the City of Wilmington.

10. Nothing in this declaration is intended to lessen or limit any previous orders of the state that are already in effect and applicable to the City of Wilmington, and which are all incorporated herein by reference.

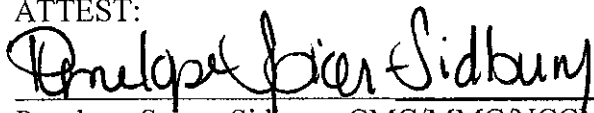
11. Any person violating any prohibition or restriction imposed by this declaration as authorized by the Revised declaration Declaring a State of Emergency in the City of Wilmington shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

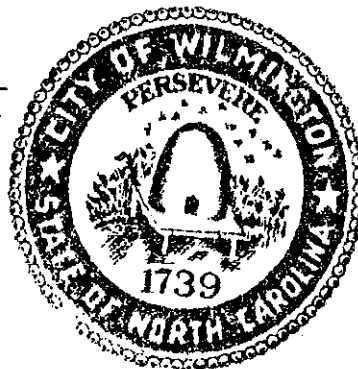
12. This declaration is adopted and shall take effect May 8, 2020, at 5 p.m., and will be valid until May 13, 2020, at 5 p.m., but will be regularly reviewed and evaluated and may be revised, amended, or extended accordingly, based upon existing evidence and recommendations by health officials, and the wishes of the Wilmington City Council.

Proclaimed on the 8<sup>th</sup> day of May, 2020.

  
Bill Saffo, Mayor

ATTEST:

  
Penelope Spicer-Sidbury, CMC/MMC/NCCMC  
City Clerk



## **Exhibit A**

In addition to, and in compliance with the North Carolina Governor's COVID-19 Executive Orders, the following additional practices will be implemented with relation to auto and boat sales:

- 1) All social distancing requirements apply.
- 2) Motor vehicle sales will be conducted by appointment only.
- 3) Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.
- 4) Designate six-foot distances with signage, tape, or by other means, six-foot spacing for employees and customers to maintain appropriate distance and maintaining at least six-foot social distancing from other individuals.
- 5) Auto and boat dealership facilities shall follow the occupancy limits set forth by NC Executive Order 138.
- 6) All customer lounges shall be closed.
- 7) Tables available outside the showroom for customers who wish to conduct transaction outside of showroom.
- 8) Hand sanitizer and sanitizing products readily available for employees and customers.
- 9) No test drives permitted unless expressly requested by the purchaser and only conducted in adherence to the following requirements:
  - a. Vehicle are completely sanitized with COVID-19 approved products after every test drive with a card stating time it was driven and when it was sanitized.
  - b. No sales representative riding in vehicle with a customer.
  - c. Customer to wear gloves that are provided by dealership while test driving vehicle.
  - d. Seat mats are to be used for the test drive.
  - e. Vehicles test driven will not be driven by another potential customer for four (4) hours.
- 10) To the extent legally possible, conduct off-site / home delivery of vehicles.
- 11) Adhere to CDC recommendations for maintaining a safe workplace, including the measures referenced above as well as:
  - a. Identify customers and employees who have viral symptoms and prohibit them from entering the dealership.

- b. Require what the CDC calls "respiratory etiquette," including covering coughs and sneezes
- c. Provide customers and employees with tissues and trash receptacles.
- d. Prohibit employees from using other employees' phones, desks, offices, work tools and equipment.
- e. Prohibit hand shaking and other physical contact between individuals.
- f. Post handwashing signs around the dealership.